

Date

Mr. Michael A. Rich
151 Chamale Drive
Slidell, LA 70460

**Re: Louisiana Board of Ethics Docket No. 2021-847
Advisory Opinion**

Dear Mr. Rich:

The Louisiana Board of Ethics, at its January 7, 2022 meeting, considered your request for an advisory opinion regarding whether the Code of Governmental Ethics ("Code") would prohibit you from serving as the financial advisor on Troy Ingram's retirement account while he serves as the contract attorney for the St. Tammany Fire Protection District No. 1 and you serve as one of its Commissioners.

FACTS PROVIDED

You stated that you are a Commissioner on the St. Tammany Fire Protection District No. 1 Board of Commissioners (the "District"). Troy Ingram is the contract attorney for the District. You stated that you are also a certified financial planner and advisor with LPL Financial. Mr. Ingram maintains a retirement account with LPL for which you are the advisor. You stated that you charge your clients an annual fee as a percentage of assets under management.

You also stated that you are responsible for periodically evaluating Mr. Ingram's performance as the District's attorney and for making recommendations concerning his continued employment with the District.

LAW

La. R.S. 42:1111C(2)(d) provides that no public servant and no legal entity in which the public servant exercises control or owns an interest in excess of twenty-five percent, shall receive any thing of economic value for or in consideration of services rendered, or to be rendered, to or for any person during his public service unless such services are: (d) Neither performed for nor compensated by any person or from any officer, director, agent, or employee of such person, if such public servant knows or reasonably should know that such person has or is seeking to obtain contractual or other business or financial relationships with the public servant's agency; conducts operations or activities which are regulated by the public employee's agency; or has substantial economic interests which may be substantially affected by the performance or nonperformance of the public employee's official duty.

La. R.S. 42:1115A(1) prohibits a public servant from soliciting or accepting, directly or indirectly, any thing of economic value as a gift or gratuity from any person or from any officer, director,

agent, or employee of such person, if such public servant knows or reasonably should know that such person has or is seeking to have a contractual, business or financial relationship with the public servant's agency.

La. R.S. 42:1115B(2) prohibits a public employee from soliciting or accepting, directly or indirectly, any thing of economic value as a gift or gratuity from any person or from any officer, director, agent, or employee of such person, if such public employee knows or reasonably should know that such person has a substantial economic interest which may be substantially affected by the performance or nonperformance of the public employee's office duty.

ANALYSIS

La. R.S. 42:1111C(2)(d) prohibits a public servant from receiving any thing of economic value from a person that has or is seeking to have a contractual relationship with the public servant's agency or the person has substantial economic interests that may be affected by the performance or nonperformance of the public servant's public duties. Troy Ingram is a prohibited source to you by virtue of his contract with the St. Tammany Fire Protection District No. 1 to provide services as the District's attorney. Mr. Ingram has a substantial economic interest in his contractual employment with the District. Mr. Ingram is also a prohibited source to you as you can affect his employment through your evaluation of his job performance as attorney for the District and through your recommendations of whether he can maintain such contractual employment. Therefore, you are prohibited from receiving any thing of economic value for your financial advisor services to Mr. Ingram while he serves as the contract attorney for the District and you serve as a Commissioner for the District.

CONCLUSION

The Board concluded, and instructed me to inform you, that the Code of Governmental Ethics prohibits you from providing compensated financial advisor services to Troy Ingram while he is the contract attorney for the St. Tammany Fire Protection District No. 1 and while you serve as a member of the St. Tammany Fire Protection District No. 1 Board of Commissioners.

This advisory opinion is based solely on the facts as set forth herein. Changes to the facts as presented may result in a different application of the provisions of the Louisiana Code of Governmental Ethics. The Board issues no opinion as to past conduct or as to laws other than the Louisiana Code of Governmental Ethics, the Campaign Finance Disclosure Act, the Lobbyist Disclosure Acts, and the conflict of interest provisions contained in the Louisiana Gaming Control Law. If you have any questions, please contact me at (800) 842-6630 or (225) 219-5600.

Sincerely,

LOUISIANA BOARD OF ETHICS

Tracy M. Barker
Deputy General Counsel
For the Board

DISCLAIMER
This is a draft opinion and it is **NOT** an opinion of the Louisiana Board of Ethics.
No party may rely on the facts or conclusions. The analysis and conclusions herein are provided for discussion purposes only, and are subject to change or revision at the meeting of the Board of Ethics at which this matter is considered.